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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/046,118 03/20/98 BOICE C EN998027

KEVIN P RADIGAN
HESLIN & ROTHENBERG
5 COLUMBIA CIRCLE
ALBANY NY 12203-5160

WM51/1107

EXAMINER

WONG, A

ART UNIT

PAPER NUMBER

2613

DATE MAILED:

11/07/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/046,118	Applicant(s) BOICE ET AL.	
	Examiner Allen Wong	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7,8,10-28 and 31-41 is/are rejected.
- 7) ☐ Claim(s) 3-6,9,29,30 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 7, 8, 10-28 and 31-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reininger (5,426,463) for the same reasons as set forth in the previous Office Action in paper No. 6.

Allowable Subject Matter

Claims 3-6, 9, 29 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 9/5/00 have been fully read and considered but they are not persuasive. The examiner respectfully disagrees. The so-called "pulsation artifact" as the applicant discloses is merely the difference between two images or two different frames. On page 5 of applicant's remarks in last paragraph, the applicant stated that a check is done to see if the current frame and the previous frame are identical. Then the applicant mentioned if the frames were exactly identical, an adjustment would be made to correct this "pulsation artifact". Why would an adjustment be necessary to correct this distortion or "pulsation artifact" if the frames were identical

in nature? If the current frame and the previous frame are the same, logically speaking, the "pulsation artifact" should not exist. Therefore, the correction for this distortion has already been corrected. Reininger discloses that the image quality is uniform from frame to frame (col.1, lines 65-68), meaning that the "pulsation artifact" has already been corrected by Reininger's variable bit rate quantization system. The adaptive quantization is specifically designed for adjusting the bit rate in order to properly encode video information as well as maintaining superb image quality by correcting image distortions.

At best, applicant has disclosed a pulsation artifact as a quality measure. The arguments made, while helpful, are not present in the claims. Claim 1 simply requires that quantization be controlled to improve quality, which Reininger does. Further the fact that a "still" image could be any of the set of I, B, and P frames only broadens the scope of the claims. Therefore, Reininger's teachings appear to render the claims obvious since no where in Reininger is there a suggestion to change luminance and chrominance when substantially identical picture are detected, as disclosed.

Also, on page 6 of applicant's remarks regarding the statistics measurement unit, the applicant mentions that measurement unit used in Reininger is different from the applicant's invention. The examiner respectfully disagrees. By determining the number of bits for macroblocks within a frame, one can determine whether or not the frame is a still frame because image data consists of bit data.

The Examiner withdraws the 35 U.S.C.112 rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (703) 306-5978. The examiner can normally be reached on Mondays to Thursdays from 9-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703) 305-4856.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Application/Control Number: 09/046,118

Page 5

Art Unit: 2613

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November 6, 2000



CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600